

121103 16367 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

22390 U.S. PTO 10/733064 121103

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
1799USD1			STUCKER, J.	1648

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV320427581US

Date of Deposit: 12/11/03

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: Sysanna Li Yu

DIVISIONAL APPLICATION UNDER 37 C.F.R. 1.53(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a divisional application under 37 CFR §1.53(b) of Serial No. 09/757,689, filed on January 11, 2001, entitled METHOD AND DEVICE FOR SANITATION USING BACTERIOPHAGES and claims priority under 35 U.S.C. §119(e) to Serial No. 60/175,416, filed on January 11, 2000, entitled METHOD AND DEVICE FOR SANITATION USING A BACTERIOPHAGE; and Serial No. 60/205,240, filed on May 19, 2000, entitled METHOD AND DEVICE FOR SANITATION USING A BACTERIOPHAGE; by the following inventor(s):

Full Name of Inventor	Family Name Sulakvelidze	First Given Name Alexander	Second Given Name
Residence & Citizenship	City Baltimore	State or Foreign Country Maryland	Country of Citizenship U.S.A
Post Office Address	Post Office Address 536 Hampton Lane	City Baltimore	State & Zip Code/Country Maryland 21286/U.S.A.
Full Name of Inventor	Family Name Morris, Jr.	First Given Name J.	Second Given Name Glenn
Residence & Citizenship	City Baltimore	State or Foreign Country Maryland	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 107 St. Johns Rd	City Baltimore	State & Zip Code/Country Maryland 21210/U.S.A.
Full Name of Inventor	Family Name Alavidze	First Given Name Zemphira	Second Given Name
Residence & Citizenship	City Tbilisi	State or Foreign Country Republic of Georgia	Country of Citizenship Republic of Georgia

Post Office Address	Post Office Address 22 Gotua Street, Apt. 74	City Tbilisi	State & Zip Code/Country 380060/Republic of Georgia
Full Name of Inventor	Family Name Pasternack	First Given Name Gary	Second Given Name R.
Residence & Citizenship	City Baltimore	State or Foreign Country Maryland	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 311 Edgevale Road	City Baltimore	State & Zip Code/Country Maryland 21212/U.S.A.

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 59 pages of specification, 9 claims, 1 sheet of drawings, 1 page of abstract and 4 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS:				
9 – 20	0	x	\$18.00	\$0.00
INDEPENDENT CLAIMS:				
3 – 3	0	x	\$86.00	\$0.00
			BASIC FILING FEE:	\$770.00
			TOTAL FILING FEE:	\$770.00

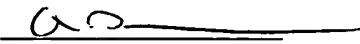
- ☐ Small entity status is claimed pursuant to 37 CFR 1.27.
4. ☒ Payment of fees:
 - ☒ Attached is a check in the amount of \$770.00
 - ☐ Please charge Deposit Account No. 501257.
 5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 501257.

6. ☐ Amend the specification by inserting before the first time the sentence:
- "This application is a division of application Serial No. , filed , which application(s) are incorporated herein by reference."
7. ☒ A set of formal drawings (1 sheet) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to Intralytix, Inc. located at The Warehouse at Camden Yards, 3232 West Camden Street, Suite 675, Baltimore, Maryland 21201.
10. ☐ The Power of Attorney in the prior application is to:
11. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☐ Fee for excess claims is attached
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted.
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☒ Also Enclosed: Application Data Sheet; Information Disclosure Statement; Form 1449; Power of Attorney, 37 CFR 3.73(b) Statement
16. ☒ Address all future communications to the Attention of **Andrew D. Sorensen** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

ECOLAB INC.
Law Department
Research and Development Center
840 Sibley Memorial Highway
Mendota Heights, MN 55118
Telephone: (651) 306-5810
Facsimile: (651) 306-4272

Date: Dec 11, 2003


Andrew D. Sorensen
Reg. No. 33,606